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LC001387

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ELECTRONIC CONFIRMATION AND COMPLIANCE SYSTEM

Introduced By: Representatives Jacquard, Corvese, Marshall, Williams, and McKiernan

Date Introduced: February 16, 2017

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER
2 VEHICLES" is hereby amended by adding thereto the following chapter:

3 CHAPTER 21.3

4 ELECTRONIC CONFIRMATION AND COMPLIANCE SYSTEM ACT

5 **31-21.3-1. Short title -- Enabling act.**

6 This act shall be known and may be cited as the "Rhode Island Electronic Confirmation
7 and Compliance System Act", and any department so designated by this act may solicit proposals
8 with a third party in order to implement the provisions of this chapter which shall be enabling.

9 **31-21.3-2. Definitions.**

10 When used in this chapter:

11 (1) "Administrator" means the administrator of the division of motor vehicles;

12 (2) "Commissioner" means the commissioner of the department of public safety;

13 (3) "Department" means the department of public safety;

14 (4) "Division" means the division of motor vehicles (DMV);

15 (5) "Financial responsibility" means the ability to satisfy the requirements established in
16 chapter 31 of this title;

17 (6) "IICMVA" means the Insurance Industry Committee on Motor Vehicle
18 Administration;

1 (7) "NLETS" means the national law enforcement telecommunications system;

2 (8) "Noninvasive" means personal identifying information including a name and address
3 is not contained or displayed; and

4 (9) "RILETS" means the Rhode Island law enforcement telecommunications system.

5 **31-21.3-3. Electronic insurance confirmation and compliance system.**

6 (a) The commissioner of the department of public safety or designee(s) shall be
7 authorized to solicit proposals from a third party to implement an electronic automobile and
8 commercial vehicle liability insurance confirmation and compliance system in the state that shall
9 be limited to the following:

10 (1) A system to make interstate vehicle insurance and registration status available to law
11 enforcement for automated query at any time through the NLETS used by law enforcement in this
12 state and all others and which is fully interfaced with the RILETS system, department's law
13 enforcement message switch communications and hot file database system and which is in turn
14 linked to the division;

15 (2) A system to provide interstate automobile and commercial vehicle insurance
16 information to emergency medical service providers;

17 (3) A verification system to provide courts with financial responsibility status for the
18 court date, the citation date, the day prior to the citation date, and a history of the vehicle's periods
19 of coverage, regarding, interstate vehicles identified as noncompliant;

20 (4) An automatic license plate recognition system to electronically capture license plate
21 images in two (2) seconds or less and noninvasively attempt verification of the insurance and
22 when possible, the registration status of the interstate vehicle. If the vehicle is covered under an
23 automobile insurance policy or properly registered or there is no conclusive proof of non-
24 compliance as determined by a law enforcement officer, the automatic license plate recognition
25 system shall erase the record of the vehicle's license plate within one minute. Provided, however,
26 that no tolling gantry or similar device used for the collection of tolls pursuant to title 24 or title
27 42 shall be used for the collection of information under this chapter;

28 (5) A system to provide secure postal notification, telephone and Internet-based help
29 desk, verification and secure collection services for the state regarding citations issued by this
30 system;

31 (6) A system that provides secure, dedicated, electronic portals with appropriate
32 information for authorized users as determined by the director; and

33 (7) A system that provides a help desk service with live operators, but also an Internet-
34 based response service so that citations can be challenged and any errors corrected in support of

1 the public, and also to reduce the burdens that might otherwise be placed upon the traffic tribunal.

2 (b) All costs, including, but not limited to, development, manufacture, implementation,
3 maintenance, operation, purchasing, cost of alterations and upgrades to the system, connection
4 costs, or any other expense necessary to implement and maintain the system authorized by this
5 chapter shall be borne by the third party and not the state.

6 (c) The electronic automobile and commercial vehicle liability insurance confirmation
7 and compliance system (the "system") provided for in this chapter shall not be used to effectuate
8 toll collection. Further, the system shall not be linked or connected to a gantry, toll facility, or
9 other mechanism used to collect tolls on motor vehicles, including, but not limit to, tolls collected
10 pursuant to the provisions of chapter 13.1 of title 42, "the Rhode Island bridge replacement,
11 reconstruction, and maintenance fund." As used herein, "toll facility" means equipment of capital
12 improvements funded in whole or in part by toll revenue, or required to effectuate toll collection.

13 **31-21.3-4. Procedure -- Notice.**

14 (a) Except as expressly provided in this chapter, all prosecutions based on evidence
15 produced by this confirmation and compliance system shall follow the procedures established in
16 chapter 41.1 of this title, chapter 18 of title 8 and the rules promulgated by the chief magistrate of
17 the traffic tribunal for the hearing of civil traffic violations in the traffic tribunal; provided, that in
18 an action brought pursuant to the provisions of this chapter, referenced in chapter 41.1 of this title
19 to an "operator" shall apply to the registered owner of the vehicle. A universal summons shall be
20 issued by a Rhode Island police officer solely based on evidence obtained by use of a live digital
21 video vehicle confirmation and compliance system. All summonses issued based on evidence
22 obtained from a live digital video vehicle confirmation and compliance system shall be issued
23 within seven (7) days of the violation. Notwithstanding any provisions of the general or public
24 laws to the contrary, exclusive jurisdiction to hear and decide any violation under this chapter
25 shall be with the traffic tribunal.

26 (b) It shall be sufficient to commence a prosecution based on evidence obtained from a
27 live digital video vehicle confirmation and compliance system. A copy of the summons and
28 supporting documentation shall be mailed to the address of the registered owner. For purposes of
29 this section, the date of issuance shall be the date of mailing.

30 (c) The officer issuing the summons shall certify under penalties of perjury that the
31 evidence obtained from the live digital video vehicle confirmation and compliance system was
32 sufficient to demonstrate a violation of the motor vehicle code. Such certification shall be
33 sufficient in all prosecutions pursuant to this chapter to justify the entry of a default judgment
34 upon sufficient proof of actual notice in all cases where the citation is not answered within the

1 time period permitted.

2 (d) The summons shall contain all the information provided for on the summons as set
3 forth to in §31-41.1-1 and the rules of procedure promulgated by the chief magistrate of the
4 traffic tribunal, as well as the date, time, and location of the violation. In addition, the following
5 information shall be attached to or accompany the summons:

6 (1) Copies of two (2) or more photographs, or microphotographs, videos, or other
7 enforcement information approved by the officer that, based on inspection of recorded images,
8 the motor vehicle was being operated in violation of this chapter;

9 (2) A signed statement that the recorded images are evidence of a violation of this
10 chapter;

11 (3) A statement that the person who receives the summons under this chapter may either
12 pay the civil fine or elect to stand trial for the alleged violation;

13 (4) A signed affidavit by a law enforcement officer who witnessed the motor vehicle
14 being operated in violation of this chapter as they reviewed recorded images;

15 (5) The contact telephone numbers, addresses and both facsimile and Internet addresses
16 to provide proof of compliance along with a statement of procedures and confirmation that the
17 record will be modified should proper proof be provided and pending charges dismissed; and

18 (6) A signed statement certified under the penalties of perjury by a trained law
19 enforcement officer that the summons and attachments required under this subsection were
20 mailed to the address of the registered owner kept on file by the registry of motor vehicles.

21 (e) Any summons issued pursuant to this chapter shall be issued by a law enforcement
22 officer authorized to issue a traffic violation summons pursuant to title 31.

23 **31-21.3-5. Driver/registered owner liability.**

24 (a) The registered owner of a motor vehicle shall not operate or allow the motor vehicle
25 to be operated in violation of this chapter.

26 (b) In all prosecutions of civil traffic violations based on evidence obtained from a live
27 digital video vehicle confirmation and compliance system as provided under this chapter, the
28 registered owner of the vehicle shall be responsible in all prosecutions of violations pursuant to
29 the provisions of this chapter, except as otherwise provided under this chapter.

30 (c) In the event that the registered owner of the vehicle operated in violation of this
31 chapter was not the operator of the vehicle at the time of the violation, the registered owner shall
32 be responsible for the violation.

33 **31-21.3-6. Fines revenue allocation.**

34 (a) The state shall not be responsible for the cost of the implementation and

1 administration of the electronic verification system created by this chapter.

2 (b) All revenue generated by the implementation of this chapter shall be shared equally
3 by the state and the third party, unless otherwise agreed to in writing by the parties.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ELECTRONIC CONFIRMATION AND
COMPLIANCE SYSTEM

- 1 This act would create an electronic automobile and commercial vehicle liability insurance
- 2 confirmation and compliance system in the state, which system would be known and cited as the
- 3 "Electronic Confirmation and Compliance System Act".
- 4 This act would take effect upon passage.

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